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## REMARKS

In the Office Action, the Examiner rejected claims pursuant to nonstatutory obviousness-type double patenting over U.S. Patent Nos. 6,193,663, and 6,436,046. In order to expedite issuance of a patent based on the above captioned application, a Terminal Disclaimer is enclosed. The Terminal Disclaimer conforms with 37 C.F.R. § 1.321(b). The assignee of the above referenced application and U.S. Patent Nos. 6,193,663 and 6,436,046 is Acuson Corporation. By filing the Terminal Disclaimer to expedite issuance, Applicants are not admitting that any of the claims of the above referenced application are obvious in light of the claims of either of these patents.

The Examiner also provisionally rejected the claims over claims of copending application 10/696,421. However, application 10/696,421 is the current application, so the rejection is not proper.

Claims 174-179, and 185-194 were rejected pursuant to 35 U.S.C. §102(b) as anticipated by Cole, et al. (U.S. Patent No. 5,675,554). Applicants respectfully request reconsideration of this rejection.

Independent claim 174 recites transmitting respective sets of transmit beams along respective scan directions across at least a portion of a frame, and during transmitting, cycling a selected transmit parameter T through a sequence  $T_1 \dots T_n; T_1 \dots T_n; T_1 \dots T_n$  across said at least a portion of the frame, where  $T_1, T_n$  designate alternative values of the transmit parameter T, and where  $n \geq 2$ , the transmit parameter T selected from the group of: (i) transmit waveform, (ii) transmit phase modulation code, (iii) transmit amplitude modulation code, (iv) transmit waveform complex phase angle, (v) fractional harmonic seed amplitude, (vi) pulse inversion polarity sequence where  $T_1$  corresponds to a pulse inversion polarity sequence (+ -),  $T_2$  corresponds to a pulse inversion polarity sequence (- +), and  $n = 2$ , (vii) pulse inversion polarity sequence, (viii) transmit gain, and (ix) combinations thereof.

Cole, et al. do not disclose these limitations. The cited portions of Cole, et al. disclose a trade-off between number of beams, carrier frequency, and range sampling rate (col. 16, lines 45-55). Various parameters are used for any particular combination to be used for transmission (see table 1) depending on the desired number of beams, carrier, and sampling rate. This disclosure shows the versatility of the hardware. However, Cole, et al. describe selecting one of the modes for use in any given imaging (col. 18, lines 30-34). Cole, et al. do not disclose cycling the transmit parameter through a sequence for sets of transmit beams for at least a portion of a frame.


Dependent claims 175-179 and 185-194 depend from claim 174, so are allowable for the same reasons.

**CONCLUSION:**

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (650) 943-7554 or Craig Summerfield at (312) 321-4726.

PLEASE MAIL CORRESPONDENCE TO: Respectfully submitted,

Siemens Corporation  
Customer No. 28524  
Attn: Elsa Keller, Legal Administrator  
170 Wood Avenue South  
Iselin, NJ 08830

  
Anand Sethuraman, Reg. No. 43,351  
Attorney(s) for Applicant(s)  
Telephone: 650-943-7554  
Date: 1/23/07